



November 15, 2001

Mr. David L. Hay  
Information Coordinator  
Dallas County Community College District  
701 Elm Street  
Dallas, Texas 75202-3299

OR2001-5298

Dear Mr. Hay:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 155486.

The Dallas County Community College District (the "District") received a request for the credentials of the interviewees for an instructor position. On September 26, 2001, the requestor clarified the request and stated that she only needed copies that showed each interviewee's degree earned, college teaching experience, gender, and race. The requestor stated that she does not need a copy of each interviewee's name, address, phone number, or "any of the other confidential information as stated in the letter from the District's lawyer [to the Office of the Attorney General]." You claim that portions of the submitted information are excepted from disclosure under section 552.117 of the Government Code. We have considered the exception you claim and reviewed the submitted sample of information.<sup>1</sup>

Section 552.117(1) excepts from disclosure information that relates to the home addresses, home telephone numbers, social security numbers, and family members of employees of a governmental body who request that this information remain confidential under

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<sup>1</sup> In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision No. 499 (1988), 497 (1988). This open records letter does not reach, and does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

section 552.024. You have submitted to this office information that demonstrates that, prior to the date on which the city received the request for information, the employee elected to keep his home addresses and home telephone number confidential under section 552.024.<sup>2</sup> Thus, the city must withhold the employee's home address and telephone number under section 552.117 of the Government Code.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental

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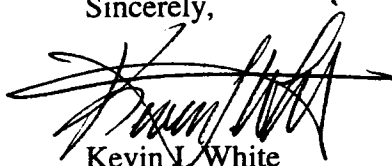
<sup>2</sup> We note that the "release of information" form does not contain an election to withhold social security numbers or family member information. Because no election was made to protect social security numbers or family member information, section 552.117 does not except the employee's social security number or family member information. However, the requestor has stated that she does not request the employee's social security number, and the employee application does not reveal any family member information. Therefore, you need not release this information.

body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the General Services Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin L. White', with a large, sweeping horizontal stroke across the middle.

Kevin L. White  
Assistant Attorney General  
Open Records Division

KJW/seg

Ref: ID# 155486

Enc. Submitted documents

c: Ms. Loraine Morazzano  
4116 Norway Lane  
Grand Prairie, Texas 75052  
(w/o enclosures)